

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

ROMELLE BRITTON

PLAINTIFF

V.

CIVIL ACTION NO. 3:09CV535 DPJ-FKB

MISSISSIPPI DEPARTMENT OF HEALTH

DEFENDANT

ORDER

This employment discrimination suit is before the Court on motion of Defendant the Mississippi Department of Health for summary judgment pursuant to Federal Rule of Civil Procedure. Plaintiff has responded in opposition.

Plaintiff Romelle Britton claims that she was discriminated against on the basis of race when Defendant chose Christi Brantley over her for the position of Division Director of the Training and Certification Branch of the Bureau of Public Water Supply. Defendant submits that Brantley was “the best suited and most qualified person for the job,” explaining that Brantley “responded to the [interview] questions on an operational level, demonstrating a vision for the future of the program and how the program could be improved.” Keith Allen Aff. ¶ 7; Melissa Parker Aff. ¶ 7.

To support her position that discrimination was at the heart of Defendant’s decision, Plaintiff insists that 1) she was rushed through her interview; 2) Brantley does not meet the minimum qualifications for the position; and 3) Defendant has a history of discriminatory practices, as evidenced by another lawsuit and statistical evidence. While Defendant stands by its conclusion that Brantley was best suited for the position, it fails to specifically address Plaintiff’s contentions regarding Brantley’s qualifications and the brevity of Plaintiff’s interview.

Having considered the record evidence and the arguments advanced by the parties, the Court, mindful of its obligation to view the facts in the light most favorable to the non-movant, finds that genuine issues of material fact exist which preclude summary judgment on Plaintiff's race discrimination claim.¹ *See E.E.O.C. v. WC&M Enters., Inc.*, 496 F.3d 393, 397 (5th Cir. 2007) (internal citations omitted) ("On a motion for summary judgment, the court must view the facts in the light most favorable to the non-moving party and draw all reasonable inferences in its favor. In reviewing the evidence, the court must therefore refrain from making credibility determinations or weighing the evidence.").

Defendant also seeks summary judgment as to Plaintiff's claims for punitive damages. Plaintiff did not contest this legal argument, which otherwise appears meritorious. *See Oden v. Oktibbeha County, Miss.*, 246 F.3d 458, 465-66 (5th Cir. 2001). Plaintiff's claim for punitive damages is dismissed.

Based on the foregoing, the Court finds that Defendant's motion for summary judgment should be granted as to Plaintiff's claim for punitive damages and denied as to Plaintiff's claim of race discrimination.

SO ORDERED AND ADJUDGED this the 1th day of September, 2010.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

¹ Plaintiff submitted two items of statistical evidence, which were the subject of a motion to strike, and evidence of another lawsuit against MSDH as part of her attempt to show pretext. Because the Court finds that questions of fact exist which preclude summary judgment as to Plaintiff's interview and her relative qualifications, it is not necessary to analyze this additional evidence. Hence, Defendant's motion to strike is considered moot.